

ongoing Procurement Initiatives, some of which include the following:

Consolidated Contracting Initiative

The CCI initiative emphasizes developing, using, and sharing contract resources to meet Agency objectives.

Single Process Initiative/Block Changes

The purpose of the Single Process Initiative/Block changes is to eliminate duplicative, highly-tailored or customer-unique requirements from contracts and adopt instead, a single process proposed by the contractor.

Contractor Performance Assessment Program

The Contractor Performance Assessment Program assesses the overall performance of NASA's top contractors across all of their major NASA contracts.

Performance Based Contracting

This initiative is focused on structuring an acquisition around the purpose of the work to be performed instead of how the work is to be performed or broad and imprecise statements of work.

Electronic Contracting

NASA's EC initiative is moving procurement transactions from traditional paper-based systems to electronic processing whenever possible. These transactions include solicitation and award documents as well as payment for our goods and services.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

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NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

SES Performance Review Board

AGENCY: National Endowment for the Arts.

ACTION: Notice.

SUMMARY: Notice is hereby given of the names of members of the Performance Review Board for the National Endowment for the Arts. This notice supersedes all previous notices of the PRB membership of the Agency.

DATES: September 22, 1997.

FOR FURTHER INFORMATION CONTACT:

Maxine C. Jefferson, Director of Human Resources, National Endowment for the Arts, 1100 Pennsylvania Avenue, N.W., Room 627, Washington, DC 20506, (202) 682-5405.

SUPPLEMENTARY INFORMATION: Sec. 4314(c)(1) through (5) of Title 5, USC, requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any response by the senior executive, and make recommendations to the appointing authority relative to the performance of the senior executive.

The following persons have been selected to serve on the Performance Review Board of the National Endowment for the Arts:

Ana M. Steele, Deputy Chairman for Management and Budget
Laurence M. Baden, Director of Administration
Scott Shanklin Peterson, Deputy Chairman for Grants and Partnership
Alfred B. Spellman, Jr., Director of Office of Guidelines and Panel Operations

Maxine C. Jefferson,

Director of Human Resources, National Endowment for the Arts.

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NUCLEAR REGULATORY COMMISSION

[IA 97-070]

In the Matter of Magdy Elamir, Newark, New Jersey; Order Superseding Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Magdy Elamir, M.D. (Dr. Elamir), is the Owner/President of Newark Medical Associates, P.A. (licensee). The licensee holds Byproduct Nuclear Material License No. 29-30282-01 (license) issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30. The license authorizes possession and use of any radiopharmaceutical identified in 10 CFR 35.200 for any imaging and localization procedure approved in 10 CFR 35.200. The license was originally issued on September 25, 1996, and is due to expire on September 30, 2001.

II

During a new license inspection conducted on January 29, 1997, at the licensee's facility, several apparent violations of NRC requirements were identified. Subsequent to the inspection, the NRC initiated an investigation

which led the NRC to issue to Dr. Elamir, on July 31, 1997, an Order Prohibiting Involvement in NRC Licensed Activities (Effective Immediately) Pending Further Order (62 FR 43360). That Order was issued pending completion of the NRC staff review of the results of the investigation, which was conducted by the NRC's Office of Investigations (OI). The NRC staff's review of the results of the OI investigation is now complete.

III

The OI investigation focused, in part, on Dr. Elamir's actions in causing the licensee to be in violation of NRC requirements. The NRC learned during the investigation that Dr. Elamir transmitted an inaccurate license application (NRC Form 313, dated February 21, 1996) to the NRC. The license application named Newark Medical Associates as the prospective licensee. The license application was inaccurate in that it named Gerard W. Moskowitz, M.D. (Dr. Moskowitz), as the only authorized user and Radiation Safety Officer (RSO) without Dr. Moskowitz's consent or knowledge, and without Dr. Moskowitz's ever having been affiliated or associated with the licensee. Dr. Moskowitz did not ever perform the role of authorized user or RSO at the licensee's facility, and did not become aware that he was listed on the application and the license until notified by the NRC on February 6, 1997, more than four months after the license was originally issued. These inaccurate statements in the license application submitted by Dr. Elamir, formed, in part, the basis for the issuance of the license to Newark Medical Associates on September 25, 1996.

On October 17, 1996, Dr. Elamir notified the NRC by letter that Newark Medical Associates was initiating activities authorized by the license; and during the period from November 1996 through February 6, 1997, Dr. Elamir, in his capacity as president and owner of Newark Medical Associates, caused and permitted the licensee to conduct NRC-licensed activities even though he knew that the licensee did not employ the authorized user or the RSO named in the license application and, subsequently, on the NRC license, and that the named individual did not serve in these capacities. Based on the results of the OI investigation, the NRC has determined that Dr. Elamir's actions constitute violations of the Commission's requirements as follows:

A. 10 CFR 30.10(a)(2) requires, in part, that any licensee or employee of a licensee may not deliberately submit to